

MINUTES  
Sheffield Planning Board  
January 2, 2007

Meeting was called to order at 7:00 PM

Members present were: Bart Elsbach, chair, Anthony Gulotta, Bill Gillooly and Christopher Tomich.

**Do Limey's owners need Special Permit to live above restaurant?**

Nick Parsenios, a lawyer from Lee, represents the new owners of Limey's Restaurant, Michael and Cheryl Dutton. He appeared to ask the Planning Board if the new owners "will have a chance" if they apply for a Special Permit for an accessory single dwelling unit to live in above the restaurant. A bedroom and bathroom currently exist above the restaurant. The restaurant arguably constitutes a single dwelling unit because their kitchen would be the restaurant kitchen downstairs. Planning Board members all engaged in a discussion of the requirements of "related" and "customary" use. They agreed that a Special Permit looked like the way to proceed. B. Elsbach said he would look at the by laws more carefully and get back to Mr. Parsenios if he sees a clear reason that would force a negative determination on the permit application.

**David & Marsha Pottle re: changes to DeVries Building Supply:**

David and Marsha appeared before the Board. They live at 29 Laurel Lane behind the DeVries lumber company. DeVries has taken out all the pine and hardwood trees between the properties, has put down a driveway base in that area and is now actively using heavy equipment in the area. The Pottles had 3 questions: 1) Are abutters supposed to notify neighbors when substantial changes take place? 2) This new activity deflates their property value, is there anything they can do? 3) Does the Planning Board know this is happening and should DeVries have gotten permission from the Planning Board to do this? Board members asked various questions of the Pottles. B. Elsbach answered that the Planning Board could take no action in relation to this problem. The Building Inspector is the person to see to find out if DeVries is in non-compliance and the Select Board supervises the Building Inspector.

**Lisa & Kurt Bartzsch & Building Inspector re: Special Permit Application:** Tom Carmody, the building inspector, spoke on behalf of the applicant and in explanation of his decision regarding categorizing the Bartzsch business as construction and light manufacturing. The Board, the building inspector and the Bartzsches discussed at great

length whether their business was a customary accessory use and what the appeals process is for Planning Board decisions. Initially the Bartzsches decided not to submit their Special Permit Application, but they returned later in the meeting.

**8:40 PM A. Gulotta moved to suspend the regular meeting until the public hearing for the interim rules and regulations is adjourned. The motion was seconded and approved.**

**8:45 PM REGULAR MEETING RECONVENED:**

**Berkshire Fence:** B. Elsbach spoke with the town's lawyer in the Berkshire Fence matter, Janet Pomphrey, because she had asked for an abbreviated Special Permit Hearing for Berkshire Fence. C. Tomich continued to recuse himself on this matter. The Board was polled and all agreed that Berkshire Fence and all other applicants for Special Permits, need to go through the usual process according to the bylaws. All agreed that there should be no exception made for Berkshire Fence or anyone else. Tom Carmody updated the Board on violations and negotiations regarding Berkshire Fence in Sheffield.

**Kathy Orlando on behalf of the Egertons:** Kathy Orlando solicited the Board's assistance regarding a Form A signed by the Planning Board in May, 1980 containing unique conditions. Discussion focused on possible actions regarding transfer of the title to a parcel of land noted on the plot. B. Elsbach will speak to town counsel about whether the Planning Board can change prior rulings on special conditions.

**Lisa Bartzsch returned and submitted a Special Permit Application:** The Board checked and made sure the application was in order. B. Gillooly made a motion to accept the Bartzsch Special Permit Application. His motion was seconded and approved.

**Mail:** Lawyer Benjamin Smith wrote asking for an original document of the notice of the Special Permit decision on Sally Cook's land so he can record it. The Planning Board agreed not to send the original but rather to get a copy sealed and signed by the Town Clerk. C. Tomich will attend to this task.

**The Board deferred corrections on the 12/19/06 minutes to the next meeting, 1/16/07.**

**The Board filled out the Zoning Board of Appeals (ZBA) Appeal Form** to appeal the decisions by the Building Inspector regarding the Bartzsch Special Permit Application. B. Gillooly made a motion that the Board submit the appeal to the ZBA. The motion was seconded and approved.

B. Gillooly moved to allow A. Gulotta to submit \$75 with the appeal to the ZBA. His motion was seconded and approved. B. Elsbach will have the application sealed by the Town Clerk and submitted to Barbara West, Chair of the ZBA.

**10:15 PM A. Gulotta moved to adjourn, the motion was seconded and approved.**

Respectfully submitted, Nadia Milleron, Planning Board Secretary